

-EXHIBIT 5-

Matthew Pits
December 8, 2017

Page 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Civil Action No. 4:15-cv-06314-YGR

ABANTE ROOTER AND PLUMBING, INC., *
MARK HANKINS, and PHILIP J. CHARVAT, *
individually and on behalf of all *
others similarly situated, *

Plaintiffs *

v. *

ALARM.COM INCORPORATED, and *
ALARM.COM HOLDINGS, INC., *

Defendants *

DEPOSITION OF: MATTHEW PITS
CATUOGNO COURT REPORTING SERVICES, INC.
155 South Main Street, Suite 201
Providence, Rhode Island

December 8, 2017 9:05 a.m.

Ellen M. Muir
Court Reporter

Matthew Pits
December 8, 2017

Page 74

1 Q. What does that suggest to you?

2 A. My guess is this would have been a call
3 that was made by an Alliance representative that
4 manually dialled the call.

5 MR. BRODERICK: I guess, we'll mark that
6 as Exhibit 12.

7 (Exhibit 12)

8 Q. So now we're going to go to VMS 0697144.
9 Do you recognize that document? It's only got
10 columns A through E.

11 A. I don't recognize that, no. It appears
12 to be a call record but I'm not sure.

13 Q. The date -- the row 1 column A is 2016,
14 dash, 06, dash, 03?

15 A. So it's likely -- it appears to be a
16 Five9 call record that is condensed down to just
17 pertinent information regarding the call.

18 Q. We'll look at row 1B just to see if that
19 tells me anything additional. Column B row 2 has a
20 phone number in it. Do you know what that phone
21 number is, 1 (757) 450-1505?

22 A. I don't, nope.

23 Q. What about row 2 column C?

24 A. No, I mean, my understanding and

Matthew Pits
December 8, 2017

Page 75

1 recollection is that one of those columns is
2 called -- is made by a Alliance. If it's an outbound
3 call and the other column is a consumer's phone
4 number, if it's an inbound call, one of the calls the
5 numbers will be the number to which the lead provider
6 transferred that call, and the other call would be
7 the consumer's phone number that was transferred
8 over. Or if it's a consumer calling Alliance
9 directly, it will be the consumer's phone number
10 making the call and Alliances number receiving it.

11 Q. And in column E, there's a lot of entries
12 for call connected and some for hang up?

13 A. Right.

14 Q. Does that suggest to you -- and also no
15 answer -- does that suggest anything further about
16 what this document represents?

17 A. I mean, that's just a disposition as to
18 how the call, what the result of the call was.

19 Q. Would recording it suggest to you that
20 that means it's an outbound call from Alliance or can
21 you tell?

22 A. I can't really tell, but my guess is this
23 would be an outbound call record, because, you know,
24 some calls are just hung up on and other calls are

Matthew Pits
December 8, 2017

Page 76

1 connected. I would guess it was an outbound call
2 record, but I'm not sure.

3 Q. Got it.

4 MR. BRODERICK: So we'll mark that as
5 Exhibit 13.

6 (Exhibit 13)

7 Q. Now, we're going to look at VMS 06971552.
8 So this has columns A through G. Can you shed any
9 light on what the document represents. I'll open --

10 A. The date column would help.

11 Q. Let's see if that's E. The date and
12 column E row 1 is 4152014?

13 A. Okay. So this would have been a Ring
14 Central call record.

15 Q. And column says "outbound," and you
16 believe that that's an outbound call?

17 A. Yeah, correct. Yeah. We weren't
18 receiving any direct transfers at this time.

19 Q. And column F do those appear to be
20 Alliance employees who were making the calls?

21 A. Correct.

22 Q. And those were all manually dialled,
23 correct?

24 A. Yes.